

House Bill 424

By: Representatives Hugley of the 133<sup>rd</sup> and Watson of the 91<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 elementary and secondary education, so as to enact the "Bianca Walton Anti-Bullying Act";  
3 to make certain changes relating to local school board policies regarding bullying in student  
4 codes of conduct; to provide that each local board of education shall establish a definition  
5 for "bullying"; to provide that policies relating to bullying behavior apply to students in  
6 kindergarten through grade 12; to require training on bullying behavior for certain school  
7 system personnel; to provide that local school systems provide information to the Department  
8 of Education on the number and disposition of bullying incidents reported; to provide for a  
9 model bullying policy by the Department of Education; to provide for related matters; to  
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the 'Bianca Walton Anti-Bullying Act.'

14 **SECTION 2.**

15 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
16 secondary education, is amended by striking Code Section 20-2-751.4, relating to policies  
17 prohibiting bullying, assignment to alternative school, and notice, in its entirety and inserting  
18 in lieu thereof the following:

19 "20-2-751.4.

20 (a) ~~As used in this Code section, the term "bullying" means:~~

21 ~~(1) Any willful attempt or threat to inflict injury on another person, when accompanied~~  
22 ~~by an apparent present ability to do so; or~~

23 ~~(2) Any intentional display of force such as would give the victim reason to fear or~~  
24 ~~expect immediate bodily harm. Each local board of education shall establish a definition~~  
25 ~~for bullying.~~

(b) Each local board of education shall adopt policies, applicable to students in ~~grades six kindergarten~~ through grade 12, that prohibit bullying of a student by another student and shall require such prohibition to be included in the student code of conduct for ~~middle and high~~ all schools in that school system. Such policies shall be developed in consultation with parent-teacher organizations, local school councils, and other community based organizations and shall be established using research based criteria. Local board policies shall:

(1) Require ~~require~~ that, upon a finding that a student has committed the offense of bullying behavior ~~for the third time in a school year~~, such student shall be ~~assigned to an alternative school~~ disciplined with appropriate intervention strategies based on age, number of infractions, severity of infractions, and any other appropriate factors;

(2) Include procedures for handling anonymous reporting of incidents of bullying behavior, including the protection of the identity of the alleged victim of an incident of bullying behavior;

(3) Include procedures for the reporting of an alleged incident of bullying behavior by a parent of a student; and

(4) Include disciplinary procedures and consequences to the student for the student's or parent's submission of a false report of an incident of bullying behavior.

Each local board of education shall ensure that students and parents of students are notified of the prohibition against bullying, and the penalties for violating the prohibition, by posting such information at each ~~middle and high~~ school and by including such information in student and parent handbooks.

(c) Each local board of education shall ensure that the local superintendent and all principals, assistant principals, school counselors, resource officers, and other appropriate staff complete a research based training program relating to bullying behavior.

(d) Each local board of education shall include the number of incidents of bullying behavior reported in its school system and the disposition of such incidents in the annual report required to be submitted to the Department of Education pursuant to Code Section 20-2-740.

(e) To assist local boards of education, the Department of Education shall develop a model anti-bullying policy which may be utilized by a local board of education.

(f) Any school system which is not in compliance with the requirements of this Code section shall be ineligible to receive state funding pursuant to Code Sections 20-2-161 and 20-2-260."

### SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.